

CHAPTER 5

ARTICLE 21 — INMATE USE OF TELEPHONES

Revised February 29, 2008

52060.1 Policy

To provide inmates with the means and the opportunity to make personal calls to persons outside the institutions/facilities of the Department.

52060.2 Purpose

To establish procedures in the use of intrainstitution/intrafacility telephones for business purposes, authorizing confidential phone calls between inmates and their attorneys of record, and the use of public telephones for personal calls by inmates.

52060.3 Use of Intrainstitution Telephone by Inmate

Inmates shall not use intrainstitution/intrafacility telephones except as specifically required and authorized by their assignment supervisor for communication with offices and personnel within the institution/facility.

Inmates shall identify themselves as "inmate (by name)" when answering or placing an intrainstitution telephone call.

Inmates shall not use or be allowed access to an institution/facility telephone with the capability of direct connection with a public system, except as authorized in this article.

52060.4 Public Telephone Access

Each institution/facility shall provide public telephones for the use of general population inmates to make personal calls.

Each institution/facility shall also provide Telecommunication Device for the Deaf (TDD) telephones for use by inmates with a documented severe hearing impairment for personal, emergency, and confidential calls. The TDD telephone calls are subject to the same policies and procedures as are in place for telephone calls for general population inmates with the following exceptions.

- Extended time shall be scheduled for these calls due to the time delay which results from the TDD relay process.
- TDD telephones may be necessary to provide accommodations for inmates and their callers with disabilities.

The institution/facility shall ensure effective telephone communication for inmates with disabilities and/or the disabled person(s) with whom they are communicating.

52060.5 Inmate Personal Calls

Inmates may make personal calls to persons outside the institution at designated times and on designated telephones according to their privilege group designation.

Limitations shall be placed on the frequency of such calls to allow equal access to Telephones. No limitation shall be placed on the numbers, identity, or relationship to the inmate of the person called, providing the person being called agrees to accept all charges for the call.

52060.6 Scheduling of Outside Telephone Calls

Telephone sign-up sheets covering seven days will be maintained and logged weekly. Sign-up sheets shall be divided in 15 minute increments. Sign-ups for inmate telephone calls will be accepted during program hours on second and third watch only.

- Inmates must present their privilege card to sign up.
- Inmates may not sign up for a call time slot during their work/training hours.

If an inmate fails to appear for the call at the designated time, the next scheduled caller will be allowed to place their call or the telephone will remain vacant.

Inmates shall not, under any circumstances, charge phone calls to credit cards or place third party calls.

Inmates shall not declare an Emergency Interruption to the telephone operator when placing telephone calls.

52060.7 Identification of Privilege Group

Officers supervising the telephone sign-up shall check privilege cards to ensure eligibility for the call.

- Privilege Group A (red privilege card):
 - Telephone calls during the inmate's non-work/training hours shall be limited only by institution/facility telephone capabilities, and hours of general population unlock.
- Privilege Group B:
 - One personal telephone call period per month.
- Privilege Groups C, D, and &U:
 - Telephone calls on an emergency basis only as determined by institution/facility staff.
- DD:
 - All privileges generally associated with the inmate's work/training incentive group's status will be suspended during a period of DD.

Inmates housed in AD-SEG Units, either voluntarily or under the provisions of CCR, 3335, will be allowed to make outside telephone calls that approximate those for the work/training incentive group to which the inmate is assigned, except that individual calls must be specifically approved by the supervisor in charge of the unit before a call is made.

52060.8 Confidential Telephone Calls

Wardens may delegate authority to specific staff members to authorize confidential telephone calls between an inmate and the inmate's attorney, or any other person when designated staff determines that confidentiality is warranted.

Approval and clearance for a confidential phone call between an inmate and their attorney shall be conducted according to section 3282 of the Title 15. The CDCR Form 106-A shall be used to document clearance. The information in the CDCR Form 106-A shall be updated regularly, but no less frequently than annually.

Authorized confidential calls shall not be monitored or recorded. However, inmates will be under constant visual observation during the confidential phone call.

Confidential calls shall not be placed on designated inmate telephones.

52060.9 Emergency Calls

An emergency is defined as a death, serious illness, or accident involving an immediate family member as defined in Title 15, section 3000. When a member of an inmate's family calls to convey an emergency message, the call shall be referred to the appropriate Chaplain or Correctional Counselor.

If the Chaplain or Correctional Counselor is not available, the call shall be referred to the Program Lieutenant. In the absence of the Program Lieutenant, the Watch Commander shall accept the call. The staff member accepting the call shall attempt to verify the emergency.

The inmate shall be informed of the message and may be permitted a monitored telephone call, which shall be placed as a collect call or paid for by the inmate's trust account.

If the inmate is permitted an emergency call, upon completion of the call, the staff member shall evaluate the inmate's reactions and behavior in order to determine whether or not an increase in custody and/or change of housing and/or follow-up counseling is required. If the staff member is unable to independently make a determination, the matter shall be referred to the appropriate administrator.

Trust account withdrawal telephone calls shall not be placed on public inmate telephones. Time and charges for approved calls shall be recorded on the CDC Form 193, Inmate Trust Account Withdrawal Order, by the staff who monitors the call. (See DOM 23000) If the inmate is permitted to place a call, the time, date, person called, and the inmate's response shall be recorded on the CDC Form 128-B, Chrono-General. The original sent to the Record's Office for the inmate's C-File and a copy to the inmate.

52060.10 Release From Work/Training Assignment to Respond to Emergency

Inmates shall be notified of an emergency while on their work/training assignment at the time of the emergency call.

If an inmate is requested by staff to respond to an emergency call during their work/training assignment, the inmate's supervisor shall release the inmate to respond to the staff's request.

The inmate shall receive "S" time credit for the authorized absence.

52060.11 Telephone Branding

Whenever an inmate makes a telephone call on an inmate telephone, the call may have an announcement before and at random intervals during the call. This announcement is known as branding and consists of the following:

Before the call the following may be heard by both the inmate and the person called:

This is the operator. I have a collect call from (inmate name), at a California correctional facility. This call and your number will be recorded. To deny charges, hang up now. To accept charges, press 5 now.

At random intervals during the call the following may be heard by both the inmate and the person called:

This recorded call is from an inmate at a California correctional facility.

52060.12 Telephone Monitoring

Inmate telephone calls on intrainstitution/intrafacility or designated inmate telephones are subject to being monitored at any time by institution staff.

52060.13 Notice of Monitoring

A conspicuous notice, in the English and Spanish languages, shall be posted at each telephone installation where inmates are normally permitted to make personal outside calls.

- The notices shall read: Any call placed on this telephone may be monitored and recorded without prior notice to the caller or the person called.
- Use of this telephone constitutes consent to monitoring, recording and acceptance by the caller of the responsibility to inform the person called that their conversation may be monitored and recorded.
- When outside calls are permitted from a telephone where this notice is not posted, the staff member authorizing the call shall verbally inform the inmate of the notice information.

52060.14 Devices and Taping Capabilities

Telephone monitoring devices shall be utilized whenever the telephones are in use. Taping capabilities shall be used as needed by monitors.

If staff believes that illegal activities will transpire over the telephone during a particular call, that call shall be recorded.

Monitors shall terminate all inmate calls regarding:

- Drug trafficking.
- Proposed or actual violence.
- Any information adversely affecting the operation, safety, or security of the facility, transportation actions, the CDC, or its employees.
- Calls exceeding 15 minutes.
- Disrespectful comments and/or obscenities directed towards the telephone employee (operator).
- Monitors shall immediately report to the watch commander any information adversely affecting the security or safety of the institution/facility.

52060.15 Revisions

The Director, DAI, or designee shall ensure that the content of this Article is accurate and current.

52060.16 References

CCR §§ 3282, 3044, 3335 and 3343.

ACA Standards 2-4228, 2-4229 and 2-4379.